

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Johann F. Hellenkamp

Serial No.: 10/062,178

Filing Date: January 31, 2002

For: IMPROVED AUTOMATIC SURGICAL DEVICE AND CONTROL
ASSEMBLY FOR CUTTING A CORNEA

Confirmation No. 9383
Customer No. 4912
Group Art Unit 3731
Thaler, Michael H., Examiner

2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129
January 4, 2006

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with Applicant's duty of disclosure, the attached information is provided for consideration by the U.S. Patent and Trademark Office in connection with the above-captioned application. The information is identified on the attached PTO/SB/08B forms.

The documents identified on the attached forms PTO/SB/08B were produced during litigation in the matter of Bausch & Lomb Surgical, Inc. v. Oasis Medical, Inc., the docket sheet [U.S. District Court for the Central District of California, Civil Docket for Case No.: 00-CV-11298, Bausch & Lomb Inc. v. Oasis Medical Inc., 2003] and numerous pleadings, orders, etc., having been previously provided.

Although the referenced litigation, Bausch & Lomb Surgical, Inc. v. Oasis Medical, Inc., is now resolved and a Final Judgment has been

entered, certain documents contain confidential information which the Applicant was not able to provide to the Examiner for consideration, to prevent violation of the Protective Order which remains in effect. The enclosed documents were previously designated "Confidential Outside Attorneys Eyes Only", however, they have recently been released for purposes of prosecution of the present patent application and, in an abundance of caution, these documents are being presented for the Examiner's review.

The Examiner is respectfully requested to return an initialed copy of each PTO/SB/08B form enclosed herewith evidencing consideration of the information with the next Office Action.

In the event that any fee may be required by the filing of this paper, the Commissioner is hereby authorized to charge any fees and/or credit to our Deposit Account No. 13-1227.

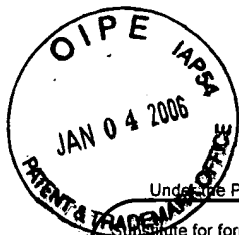
Respectfully Submitted,

MALLOY & MALLOY, P.A.
Attorneys for Applicant
2800 S.W. 3rd Avenue
Historic Coral Way
Miami, Florida 33129
(305)858-8000

By: 

Jennie S. Malloy
Reg. No. 37,670
Peter A. Matos
Reg. No. 37,884

Date: 1-4-06



PTO/SB/08B (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known	
		Application Number	10/062,178
		Filing Date	January 31, 2002
		First Named Inventor	Johann F. Hellenkamp
		Art Unit	3731
		Examiner Name	Thaler, Michael H.
Sheet 1	of 2	Attorney Docket Number	1.096.01

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	1	PHOENIX KERATEK, INC., "The Solution", Advertisement, Bate Stamp No. KOEPNICK000073	
	2	PHOENIX BIOMEDICAL, INC., "Check Us Out!", Advertisement, Bate Stamp No. KOEPNICK000087	
	3	PHOENIX BIOMEDICAL, INC., "Universal Keratome Model 1000", Advertisement, Bate Stamp No. KOEPNICK000088	
	4	PHOENIX KERATEK, INC., Product Brochure, Bate Stamp Nos. KOEPNICK000089 - KOEPNICK000095	
	5	BINDER, ET AL., "Comparison of the UniversalKeratome and the Automated Corneal Shaper," J CATARACT REFRACT SURG-VOL 22, Nov1996, Bate Stamp Nos. KOEPNICK000096-KOEPNICK000107 (missing pp. 1186 and 1187)	
	6	BINDER, Video Presentation, Bate Stamp Nos. KOEPNICK000108 - KOEPNICK000130	
	7	UPDEGRAFF, "Exploring Microkeratome Evolution and Design", Vision Surgery & Laser Ct., pp. 7-9, Bate Stamp Nos. KOEPNICK000133 - KOEPNICK000135	
	8	KRONEMYER, "Advanced Microkeratome Simplifies ALK", Ocular Surgery News; Bate Stamp No. KOEPNICK000136	
	9	"News & Trends", Review of Ophthalmology, December 1995, Bate Stamp Nos. KOEPNICK000137 - KOEPNICK000139	
	10	SCHNEIDER, "Eye Device Hits Market", Arizona Business Gazette, Vol 116, No. 5, Week of Feb. 1-7, 1996, pp. 1 and 15, Bate Stamp Nos. KOEPNICK000140 - KOEPNICK000141	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known			
		Application Number	10/062,178		
		Filing Date	January 31, 2002		
		First Named Inventor	Johann F. Hellenkamp		
		Art Unit	3731		
		Examiner Name	Thaler, Michael H.		
Sheet	2	of	2	Attorney Docket Number	1.096.01

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	11	BINDER, "Comparing Keratomileusis in Situ and Excimer Laser Assisted Keratomileusis in Situ", Refractive Business Advisor, April/May 1996, Bate Stamp Nos. KOEPNICK000142-145	
	12	LITTLEFIELD, ET AL., "New Method for Reshaping the Cornea", Journal of Biomedical Optics, Vol. 2, No.1, pp. 106-114, January 1997, KOEPNICK000147-KOEPNICK000156	
	13	KRONEMYER, "Advanced Microkeratome Simplifies ALK", Ocular Surgery News, January 1996, Bate Stamp Nos. KOEPNICK000157 - KOEPNICK000159	
	14	LIPNER, "Microkeratomes: Exploring Current Technology", Eye World, October 1996, pp. 39-40, Bate Stamp Nos. KOEPNICK000160 - KOEPNICK000161	
	15	SINGER, "1998 Guide to Microkeratomes - Demand Drives Growth in Microkeratome Market", Bate Stamp Nos. KOEPNICK000162 - KOEPNICK000164	
	6		
	7		
	8		
	9		
	10		

Examiner Signature	Date Considered	
--------------------	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.